

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DePuy Mitek, Inc.)	
a Massachusetts Corporation)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-12457 PBS
)	
Arthrex, Inc.)	
a Delaware Corporation, <i>et al.</i>)	
)	
Defendants.)	
)	

**NOTICE OF WITHDRAWAL OF
DEFENDANTS' REPLY TO DEPUY MITEK'S RESPONSE TO DEFENDANTS'
OBJECTIONS TO MAGISTRATE'S ORDER GRANTING DEPUY MITEK, INC.'S
MOTION TO PRECLUDE ARTHREX, INC. AND PEARSALLS, LTD. FROM
SUPPLEMENTING THEIR EXPERT REPORTS AND DEPOSITIONS**

Defendants Arthrex, Inc. ("Arthrex") and Pearsalls, Ltd. ("Pearsalls") (together, "defendants") hereby withdraw their Reply to DePuy Mitek, Inc.'s ("DePuy Mitek's") response to defendants' objections to Magistrate's Order granting DePuy Mitek's motion to preclude defendants from supplementing their expert reports and depositions (Docket Entry 96).

Defendants' Reply will be re-filed as an attachment to their Unopposed Motion for Leave to Reply to DePuy Mitek's Response to Defendants' Objections to Magistrate's Order Granting DePuy Mitek, Inc.'s Motion to Preclude Arthrex, Inc. and Pearsalls, Ltd. From Supplementing Their Expert Reports and Depositions.

Dated: December 13, 2006

Respectfully submitted,

By: /s/Salvatore P. Tamburo
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Counsel for Defendants
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Withdrawal of Defendants' Reply to DePuy Mitek's Response to Defendants' Objections to Magistrate's Order Granting DePuy Mitek, Inc.'s Motion to Preclude Arthrex, Inc. and Pearsalls, Ltd. From Supplementing Their Expert Reports and Depositions was served via the Court's email notification system on the following counsel for Plaintiff on the 13th day of December 2006:

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